

1
2
3
4
5
6

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER LEE MCDERMOTT,

Defendant.

Case No. 2:15-mj-00301-PAL

ORDER

(Mot. for Detention)

12

13 This matter is before the court on the government's oral motion to detain Defendant
14 Christopher Lee McDermott. This proceeding was referred to the undersigned pursuant to 28
15 U.S.C. § 636(b)(1)(A) and LR IB 1-3 and 1-9. The court has considered the motion, the
16 arguments of counsel, and the recorded materials referenced in the government's proffer.

17 On March 23, 2015, a Complaint (Dkt. #1) was filed against McDermott, alleging one
18 count: Distribution of a Controlled Substance – Marijuana in violation of 21 U.S.C § 841(a)(1)
19 and 846. On March 25, 2015, McDermott made his initial appearance, and this court held a
20 detention hearing pursuant to 18 U.S.C. § 3142(f). McDermott was present in custody with his
21 counsel, Heather Fraley, Esq. Amber Craig, Esq., was present on behalf of the government.

22 In support of the motion, the government alleges there are serious risks that McDermott
23 will not appear in court when required and is a danger to the community based in part on
24 McDermott's recorded jail conversations. The court continued the detention hearing sua sponte
25 until March 27, 2015, and instructed government counsel to make the materials referenced in her
26 proffer available to defense counsel. Defense counsel opposed the motion at the continued
27 hearing, arguing that the government overstated the content of the recorded calls. The court took
28 the matter under advisement to review the recorded calls as the parties had widely divergent

1 views regarding their content. The court spent an entire judicial day reviewing approximately *six*
2 *hours and thirty four minutes* of recorded calls, which were not indexed or culled in any way.
3 On balance, the calls do not support the government's position that McDermott is attempting to
4 temper with witnesses or is in the process of attempting to destroy evidence. It is evident that
5 McDermott has been aggressively attempting to raise funds to bail out of jail and is anxious
6 about his physical condition.

7 After considering the totality of circumstances and the factors stated in 18 U.S.C.
8 § 3142(g), the court finds conditions of release may be fashioned to reasonably assure
9 McDermott's appearance in court when required and the safety of the community. Accordingly,

10 **IT IS ORDERED:**

- 11 1. The government's Motion for Detention is DENIED;
- 12 2. McDermott shall be released on a Personal Recognizance Bond with the
13 following conditions of release:
 - 14 a. Pretrial Services Supervision;
 - 15 b. The defendant must not violate federal, state, or local law while on
16 release;
 - 17 c. The defendant must appear in court as required and, if convicted, must
18 surrender as directed to serve a sentence that the court may impose;
 - 19 d. Submit to location monitoring as directed by the pretrial services office or
20 supervising officer and comply with all of the program requirements and
21 instructions provided.
- 22 i. **Home Detention / GPS Monitoring.** You are restricted to your
23 residence at all times except for employment; education; religious
24 services; medical, substance abuse, or mental health treatment;
25 attorney visits; court appearances; court-ordered obligations; or
26 other activities approved in advance by the pretrial services office
27 or supervising officer.

28 / / /

25 || Entered this 31st day of March, 2015.

Peggy A. Leen
PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE